



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/073,195	02/13/2002	Haruo Fujiwara	1095.1211	5278
21171	7590	12/28/2005	EXAMINER	
STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			WANG, QUAN ZHEN	
			ART UNIT	PAPER NUMBER
			2633	

DATE MAILED: 12/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/073,195

Applicant(s)

FUJIWARA, HARUO

Examiner

Quan-Zhen Wang

Art Unit

2633

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 October 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-14, 16, 17 and 19 is/are allowed.
- 6) ☒ Claim(s) 15, 18, 20-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 15, 18, and 20-23 rejected under 35 U.S.C. 102(e) as being anticipated by Kasahara et al. (U.S. Patent US 6,804,469 B2).

Regarding claims 15 and 18, Kasahara teaches an end station (fig. 1, terminal station 1) in an optical transmission system (fig. 1) which transports signals over fiber-optic transmission lines of upstream and down stream links, comprising: monitoring signal transmission means (fig. 1, optical transmitter 102) for transmitting over the upstream link a monitoring request signal including a monitoring command signal with a first optical wavelength and a response carrier wave with a second optical wavelength which is different from the first optical wavelength (column 3, lines 50-67 and column 4, lines 1-27), the monitoring command signal requesting a specified repeater to provide information about operating status thereof, the response carrier wave being a carrier wave for the specified repeater to return the requested information as a monitoring response signal; and operating status receiving means (fig. 1, optical receiver 103) for

receiving the monitoring response signal and identifying the operating status of the specified repeater from the received monitoring response signal.

Regarding claims 20 and 22, Kasahara teaches an optical repeater comprising: a monitoring controller (fig. 2, supervisory controller 12) producing a monitor response signal (fig. 2, response signal 06; column 9, lines 23-28) indicating status information (the response code, column 9, lines 23-28) of the repeater in accordance with a monitoring request signal propagating through a upstream optical transmission line from an downstream station and obtained by repeater from the upstream optical transmission line; and a modulation controller (fig. 2, modulator/demodulator) modulating an excitation light provided by the repeater to the upstream optical transmission line with the monitoring response signal on a carrier wave propagating through the upstream optical transmission line (column 9, lines 29-32).

Regarding claims 21 and 23, Kasahara further teaches that the repeater further comprising at least one coupler (fig. 3, WDM coupler 139) to redirect the monitoring response signal superimposed on the carrier wave propagating through the upstream optical transmission line to the upstream station via a downstream optical transmission line (column 9, lines 40-49).

Allowable Subject Matter

3. Claims 1-14, 16-17, and 19 are allowed.

Response to Arguments

4. Applicant's arguments filed 10/28/2005 have been fully considered but they are not persuasive.

The Applicant specifically pointed out that: in claim 15, "a monitoring request signal including a monitoring command signal with a first optical wavelength and a response carrier wave with a second optical wavelength which is different from the first optical wavelength"; in claim 18, "a monitoring request signal including a monitoring command signal with a first optical wavelength and a response carrier wave with the same predetermined optical wavelength". The Applicant then argues that the feature of "the same predetermined optical wavelength" in claim 18 differentiates claims 15 and 18. However, the prior art Kasahara specifically teaches that the supervisory system includes an optical transmitter for transmitting an optical signal "including an operation command ..." (column 3, lines 63-67 and column 4, lines 1-21). The "operation command" of Kasahara clearly reads the claimed "monitoring command signal". Furthermore, as it is noticed by the Applicant, Kasahara teaches that the monitoring response signal is superimposed on "a carrier wave" which includes wavelengths different from that of the command signal as well as the wavelength same as the command signal. Therefore, even though the features of the claimed invention differentiate claims 15 and 18, the prior art Kasahara clearly anticipates both claims 15 and 18.

The Applicant further argues that claim 20 specifically recites "a monitoring controller producing a monitoring response signal indicating status information of the repeater". However, Kasahara clearly teaches that the response signal "including a

response code indicative of the state of the supervisory target" (column 4, lines 6-11). Even though Kasahara does not specifically use the word "status information", Kasahara clearly anticipate claim 20.

As indicated above, the Prior art Kasahara clearly teaches every limitation in claims 15, 18, and 20-23. Therefore, the rejections for claims 15, 18, 20-23 still stands.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Yokoyama (U.S. Patent US 6,658,211 B1) discloses an optical signal repeater and output level control method. Homsey (U.S. Patent US 6,708,004 B1) discloses a method and apparatus for reducing crosstalk between a monitoring channels and a data channel in a WDM system.

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

Art Unit: 2633


the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quan-Zhen Wang whose telephone number is (571) 272-3114. The examiner can normally be reached on 9:00 AM - 5:00 PM, Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Chan can be reached on (571) 272-3022. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

qzw
12/16/2005


AGUSTIN BELLO
PRIMARY EXAMINER